

REMARKS

Claims 1-39 are pending in this application. Claim 1 is the sole independent claim. By this Amendment, claim 28 is amended to correct a minor informality. Thus, no new matter is added.

Allowable Subject Matter

Claims 11-27 and 29-39 are indicated as being allowable if rewritten in independent form, and claim 28 would be allowable if amended to overcome the rejection under USC §112, second paragraph, discussed below. The claims are in condition for allowance for the reasons discussed below.

Rejections under 35 U.S.C. §112

Claim 28 stands rejected under 35 USC §112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

Specifically, it is alleged that there is no antecedent basis for the recitation of “the cryogenic liquid” recited in claim 28. As claim 28 is amended to address the rejection, Applicants respectfully request that the rejection of claim 28 be withdrawn.

Rejections under 35 U.S.C. §102 – *Rzadki et al.*

Claims 1-10 stand rejected on the grounds of non-statutory double patenting over claims 1-39 of U.S. Patent No. 7,172,474 to Rzadki, et al. (Rzadki). The rejection is respectfully traversed.

In rejecting claims 1-10, it is alleged that the “the subject matter in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter.”

When making an obviousness-type double patenting rejection the Examiner should make clear (a) the differences between the inventions defined by conflicting claims, a claim in the patent compared to a claim in the application, and (b) the reasons why a person of ordinary skill in the art would conclude the invention defined in the claim at issue is an obvious variation of the invention defined in the claim of the patent (MPEP §804). Applicants respectfully submit that this requirement of patent examination has not been met.

Rather, it is merely alleged that claim 1 of Rzaccki recites “at least one DC power supply and an AC power supply system for use in a surface vessel and wherein the electrical power from the two systems is interchangeable.” Although claim 1 of Rzaccki recites “a DC power supply system” and an “AC power supply system,” claim 1 does not recite “for use in a surface vessel” or “wherein the electrical power from the two systems is interchangeable,” as alleged in the Office Action.

Further, Office Action fails to compare the alleged claim 1 of Rzaccki to a claim in the application or provide reasons why one of ordinary skill in the art would conclude the invention defined in the claim at issue is an obvious variation of the invention defined in the claim of the patent. Because *prima facie* obviousness has not been established, the rejection should be withdrawn.

In addition to the deficiencies in the rejection to establish non-statutory double patenting, claim 1 of Rzaccki actually recites, “wherein the system includes a control system which operates at a higher level than the AC and DC switching systems with their respective monitoring and

control systems, which higher-level control system matches the power generation and the power consumption of all the power generators and loads to one another.” It does not appear that any of the pending claims of the present application recite such a feature.

Moreover, although it is alleged that the claimed subject matter in the present application is also claimed in Rzaeki, none of claims 1-39 of Rzaeki disclose or suggest the synchronous generator of claim 4 or the compartmentalization of claim 10 of the present application. Accordingly, the claims of the present application are not obvious variations of the claims in Rzaeki.

Therefore, Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Fitzpatrick at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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